

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**HOME & GARDEN PARTY, LTD.  
d/b/a CELEBRATING HOME,**

*Plaintiff,*

**v.**

**FUSION PERFORMANCE  
MARKETING, LLC**

*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO.**

**2:13-cv-00176**

**JURY DEMANDED**

**NOTICE OF DISMISSAL WITH PREJUDICE**

Pursuant to FED. R. CIV. P. 41(a)(1)(A)(i), Plaintiff Home & Garden Party, Ltd. d/b/a Celebrating Home hereby DISMISS with prejudice Defendant Fusion Performance Marketing, LLC from this action because the parties have reached a mutually agreeable resolution of this dispute. Therefore, upon the filing of this document with the Honorable Court this case is CLOSED.

Respectfully submitted,

/s/ Neal J. Suit

Neal J. Suit

State Bar No. 24041988  
Carrington, Coleman, Sloman &  
Blumenthal, L.L.P.  
901 Main Street, Suite 5500  
Dallas, Texas 75202  
Telephone: (214) 855-3000  
Facsimile: (214) 855-1333  
nsuit@ccsb.com

***COUNSEL FOR PLAINTIFF HOME & GARDEN PARTY,  
LTD. D/B/A CELEBRATING HOME***

**CERTIFICATE OF SERVICE**

I, undersigned counsel for Plaintiff, hereby certify that on this 12th day of April, 2013, a true and correct copy of the foregoing document was electronically filed with the Court and also served via electronic mail and certified mail to counsel for Defendant.

/s/ Neal J. Suit

Neal J. Suit